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August 15, 2007

BY HAND

Honorable William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street, Room 2210
New York, New York 10007

MEMORANDUM ENDORSED

Re: Bill Soumahoro v. City of New York, et al., 07 Civ. 3589 (WHP)

Your Honor:

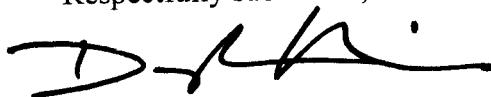
I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter, in which plaintiff claims that he was falsely arrested, maliciously prosecuted, and subjected to excessive force. The Court previously granted defendants City and NYPD an extension until August 21, 2007 to respond to the complaint. Defendants City and NYPD write to request a further extension of time to answer or otherwise respond to the complaint from August 21, 2007, until October 5, 2007. Defendants City and NYPD also respectfully request an adjournment of the initial conference scheduled for August 17, at 10:00 a.m. Plaintiff consents to both of these requests.

Some of the criminal charges brought against plaintiff were dismissed on March 27, 2006, and thus, all or some of the records concerning plaintiff's case have been sealed pursuant to New York Criminal Procedure Law § 160.50. In order for us to obtain any information associated with this case, plaintiff must first provide our office with a consent and authorization for the release of these records. This office sent consent and authorization forms to plaintiff's counsel on June 14, 2007 and again on July 20, 2007. However, plaintiff's counsel has been unavailable due to an extended illness and the releases in question have not been provided. Plaintiff's counsel has indicated that he should be able to provide this office with the unsealing releases within two weeks, by August 29, 2007. Therefore, defendants City and

NYPD respectfully request that their time to respond to the complaint be enlarged from August 21, 2007 until October 5, 2007.¹ Such an extension should allow plaintiff sufficient time to receive, execute, and return a new set of releases and allow this office to access the files and records needed to respond to the complaint. Should the Court grant this extension, defendants respectfully request an adjournment of the initial conference scheduled for August 17, 2007 at 10:00 a.m. until after issue has been joined.

Thank you for your consideration herein.

Respectfully submitted,



Douglas W. Heim (DH5238)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Thomas B. Donaldson, Esq. (By fax: 212-722-4966)
Donaldson, Chiliesta & McDaniel, LLP
103 East 125th Street, Suite 1102
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*Application granted. This Court
will hold an initial pre-trial
conference on October 12, 2007 at 11:15 a.m.
SO ORDERED:*

WILLIAM H. PAULEY III U.S.D.J.
8/16/07

¹ According to the docket sheet, Officer Juan Rodriguez has not yet been served in this matter. Therefore, should the Court grant this extension, plaintiff should also have sufficient time to serve Officer Rodriguez.